

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TYLER WRIGHT,  
Plaintiff,

v.

MICHAEL B. SCOMA, et al.,  
Defendants.

Case No. 2:22-cv-01282-APG-NJK

**REPORT AND RECOMMENDATION**

[Docket Nos. 15, 17, 18]

Pending before the Court are Plaintiff's motions for entry of default against Defendants. Docket Nos. 17, 18. The motions are properly resolved without a hearing. *See* LR 78-1.

Plaintiff asks the Court to enter default against Defendants Michael B. Scoma and Scoma Law Firm, PLLC. Docket Nos. 17 at 1, 18 at 1. The Court may enter default as to a party against whom a judgment for affirmative relief is sought upon a showing that the party has failed to plead or otherwise defend a case. Fed. R. Civ. P. 55(a).

Plaintiff submits that an entry of default is proper because Defendants have failed to actively participate in the discovery scheduling process and failed to comply with this Court's orders. Docket Nos. 17 at 2-3, 18 at 2-3. On October 24, 2022, the Court struck Defendant Scoma Law Firm, PLLC's answer and ordered it to retain counsel and file an answer by November 7, 2022. Docket No. 13. Defendant Scoma Law Firm, PLLC has neither filed a notice of appearance of counsel nor filed an answer, and the time to do so has now passed. *See* Docket. Also on October 24, 2022, the Court ordered Defendants to show cause as to why they had failed to meaningfully participate in the discovery plan process by November 4, 2022. Docket No. 15. The Court cautioned Defendants that "[f]ailure to respond to [the] order to show cause will result in the imposition of sanctions and/or the recommendation that default be entered against Defendants." *Id.* Notwithstanding that warning, Defendants did not comply. *See* Docket.

1 Accordingly, the Court, having given Defendants a sufficient opportunity to show cause,  
2 **RECOMMENDS** that default be entered against Defendants Michael B. Scoma and Scoma Law  
3 Firm, PLLC. The Court further **RECOMMENDS** that Plaintiff's motions for default be granted.  
4 Docket Nos. 17, 18.

5 Dated: December 27, 2022

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7 Nancy J. Koppe  
8 United States Magistrate Judge

9 **NOTICE**

10 This report and recommendation is submitted to the United States District Judge assigned  
11 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
12 recommendation must file a written objection supported by points and authorities within fourteen  
13 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
14 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
15 F.2d 1153, 1157 (9th Cir. 1991).